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 Nevada Department of Corrections, William Quenga,
 Brian Williams, James Jones, William Gittere, Calvin
 Johnson, Jeremy Bean, Frank Dreesen, Gary Piccinini,
 and Ronald Oliver*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

NICHOLAS SNIDER and LAUREN
 SNIDER, individually and as Special
 Administrators of the ESTATE OF ISAAH
 SHARP, Deceased,

Plaintiffs,

vs.

NEVADA DEPARTMENT OF
 CORRECTIONS; CHARLES DANIELS,
 Director of the Department of Corrections;
 WILLIAM QUENGA, Deputy Director of
 the Department of Corrections; BRIAN
 WILLIAMS, Deputy Director of Operations
 for the Department of Corrections; JAMES
 JONES, Inspector General of the
 Department of Corrections; CALVIN
 JOHNSON, Warden at High Desert State
 Prison; JEREMY BEAN, Associate Warden
 at High Desert State Prison; FRANK
 DREESSEN, Associate Warden at High
 Desert State Prison; GARY PICCINI,
 Associate Warden at High Desert State
 Prison; RONALD OLIVER, Associate
 Warden at High Desert Stat Prison; DOE
 OFFENDER MANAGEMENT
 ADMINISTRATOR ("DOE OMA"); DOES I-
 X, inclusive; BLACK AND WHITE

Case No.

**PETITION FOR REMOVAL UNDER 28
 U.S.C. §§1331, 1367, 1441, and 1446**

COMPANIES I-X inclusive; ABC
Corporations, I-X, inclusive,

Defendants.

Defendants, Nevada Department of Corrections (“NDOC”), Charles Daniels, William Quenga, Brian Williams, James Jones, Calvin Johnson, Jeremy Bean, Frank Dreesen, Gary Piccini, and Ronald Oliver (collectively, the “Individual Defendants”), by and through counsel, remove the case titled *Nicholas Snider, et al. v. Nevada Department of Corrections, et al.*, Case No. A-22-854777-C, from Nevada’s Eighth Judicial District to the United States District Court for the District of Nevada under 28 U.S.C. §§ 1331, 1367, 1441, and 1446. Copies of all items on the state court docket are attached hereto as Exhibit A.

A. Background

1. Plaintiffs Nicholas and Lauren Snider, acting individually and as special administrators of the estate of Isaiah Sharp (collectively, “Snider”), filed their complaint in the Eighth Judicial District Court on June 29, 2022.

2. Snider filed an amended complaint on July 19, 2022.

3. Snider never completed service on NDOC nor the Individual Defendants with the complaint or amended complaint.

4. Snider filed a second amended complaint on August 19, 2022.¹

5. Snider filed a declaration of service, attesting that the State of Nevada was served through the Office of the Nevada Attorney General with a copy of the summons and second amended complaint on August 30, 2022.

6. The Nevada Office of the Attorney General accepted service of the second amended complaint for NDOC and the Individual Defendants on September 13, 2022.

¹ Snider’s filing of a second amended complaint absent leave of court violates NRCP 15(a)(1), which permits filing an amended complaint without leave of court only once. However, for administrative ease, Defendants will consent to filing of the second amended complaint and treat it as the operative pleading. *See* NRCP 15(a)(2).

B. Federal question jurisdiction

7. This Court has subject matter jurisdiction under federal question jurisdiction under 28 U.S.C. §1331.

8. Snider in their second cause of action contend that the decedent, Isaiah Sharp (“Sharp”), died when NDOC and the Individual Defendants allegedly failed to protect him from clear and obvious threats from a known, violent inmate who killed Sharp in violation of the Eight and Fourteenth Amendments to the United States Constitution.

C. Supplemental jurisdiction

9. This Court has supplemental jurisdiction under 28 U.S.C. §1367(a).

10. Plaintiff’s first cause of action, negligence, and third cause of action, violation of rights guaranteed by Nevada’s constitution, arise from the same common nucleus of operative facts as Snider’s failure to protect 42 U.S.C. §1983 claim.

11. Like Snider’s claim under 42 U.S.C. §1983, Snider contends under state tort and constitutional law that NDOC and the Individual Defendants breached a duty to protect Sharp from a known, violent inmate who murdered him.

D. All procedural requirements for removal have been met

12. Venue is proper in this court, as this is the court for the district and division embracing the place where the action is pending in state court. 28 U.S.C. § 1441(a).

13. NDOC and the Individual Defendants’ petition for removal is timely. The time for removal does not start until completion of service of the summons and complaint. *Murphy Bros., Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999). Snider never served their complaint or amended complaint. This petition for removal has been filed within thirty (30) days of the Office of the Attorney General’s acceptance of service for NDOC and the Individual Defendants of the second amended complaint on September 13, 2022. *See* 28 U.S.C. § 1446(b)(1).

14. Upon information and belief, Doe Offender Management Administrator, Does I-X, Black and White Companies I-X, and ABC Corporations have not been served, and therefore, their consent is not required. 28 U.S.C. §1441(a); *Salveson v.*

1 *Western States Bankcard Ass'n*, 731 F.2d 1423, 1428 (9th Cir. 1984), overruled on other
2 grounds by *Ethridge v. Harbor House Restaurant*, 861 F.2d 1389 (9th Cir. 1988).

3 15. Removal is unanimous. NDOC and the Individual Defendants are
4 represented by the Office of the Nevada Attorney General and they have consented to this
5 petition for removal. 28 U.S.C. §1446(b)(2)(A). 28 U.S.C. § 1446(b)(2)(A).

6 **E. Conclusion**

7 16. By this petition for removal and attachments, NDOC and the
8 Individual Defendants do not waive any objections or defenses they may have to this action.
9 NDOC and the Individual Defendants intend no admission of fact, law, or liability by this
10 petition, and expressly reserve all defenses, motions, and/or pleas.

11 DATED this 12th day of October 2022.

12 AARON D. FORD
13 Attorney General

14 By: /s/ Steve Shevorski
15 Steve Shevorski (Bar No. 8256)
16 Chief Litigation Counsel
D. Randall Gilmer (Bar No. 14001)
Chief Deputy Attorney General

17 *Attorneys for Defendants State of Nevada ex rel.*
18 *Nevada Department of Corrections, William*
19 *Quenga, Brian Williams, James Jones, William*
20 *Gittere, Calvin Johnson, Jeremy Bean, Frank*
21 *Dreesen, Gary Piccinini, and Ronald Oliver*

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by using the electronic filing system on the 12th day of October 2022.

I further certify that I emailed and sent by United States Mail the foregoing to the following counsel of record:

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/s/ Sunny Southworth
Sunny Southworth, an employee of the
Office of the Attorney General